

PROCEEDINGS OF THE DAY		71
Day and Date	Tuesday and 14.10.2025	
Complaint No.	MA NO. 609&652/2025 in CR/7246/2022 Case titled as Mapsko Paradise Residents Welfare Association V/s Mapsko Builders Pvt. Ltd. And Essence Facility Solutions Pvt. Ltd.	
Complainants	Mapsko Paradise Residence Welfare Association	
Represented through	Ms. Sakshi Chahar Advocate	
Respondent	Mapsko Builder Private Limited	
Represented through	Ms. Tanishi Jain proxy counsel	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The aforesaid complaint was disposed of vide order dated 01.07.2025 of the authority wherein the complainant association were given the reliefs.

Both the complainant and the respondent filed separate applications under Section 39 of the Act, 2016, against the order dated 01.07.2025. both the applications are being taken up together as they emerged from the same order.

At the outset, it would be important to reproduce the provisions of Section 39 of the Act, 2016 under which the present applications have been filed:

Section 39: Rectification of orders

"The Authority may, at any time within a period of two years from the date of the order made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act."

1. **M.A No. 609-2025** was filed by the complainant-association on 29.08.2025, wherein the complainant- association has submitted that the name of the project has been inadvertently mentioned as "CENTRAL PARK-1" Sector 42, Gurgaon with project area comprising 13.478 Acres whereas the correct name of the project in question is "Mapsko Paradise Sector 83, Gurugram, Haryana-122004 and the project area is 5 Acres.

The authority observes that the said error is inadvertent in nature and hence, the said rectification filed by the complainant is allowed.

2. **M.A No. 652-2025:** The respondent-promoter filed an application on 08.09.2025 seeking rectification in the order dated 01.07.2025. Through said application the respondent prays for the following: -
- a. That on 23.04.2024 the Authority inadvertently noted the contention of counsel for complainant with respect to IFMS which was not pleaded.
 - b. The Authority vide its order dated 01.07.2025 directed the respondent to rectify/repair the defects pointed out after audit by the District Administration within a period of 90 days. But the Complainant - Association unconditionally withdrew that relief/counter claim on 19.07.2025 as recorded by the Hon'ble Arbitral Tribunal vide order dated 19.07.2025.

In this regard, the Authority observes that earlier the present complaint was disposed of vide proceeding dated 23.07.2024 in which the order was pronounced with the following direction:

"Order Pronounced.

The counsel for the complainant states that the project has been handed over but the IFMS amount along with account details has not been handed over. The structural audit of the project is already ordered by the District Administration through empaneled structural engineer and if any, defects are pointed out after audit, the same are required to be rectified by the



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respondent. Further, the details of IFMS account shall also be handed over to the association alongwith IFMS amount if any, within a period of 60 days."

Thereafter, the applicant in the present matter filed an application dated 04.09.2024 under Section 39 of the Act, 2016 against the proceeding dated 23.07.2024, which was disposed of vide proceeding dated 18.02.2025 by stating that *"the application for rectification filed by the respondent is not maintainable as there is no error apparent from record which has been brought to the notice of this Authority and therefore, the application under Section 39 is declined. However, the relief regarding IFMS would be subject to the arbitration proceedings pending before the Arbitrator appointed by the High Court of Punjab and Haryana"*.

The detailed order of the complaint was uploaded on 01.07.2025. thereafter, the present application has been filed by the applicant-promoter with the prayer for rectification as specified in para 2(a) and (b) above.

The Authority observes that the prayer for rectification in para 2(a) above has been dealt by the Authority at para 14 of the detailed order dated 01.07.2025 with the observation that:

"The respondent has brought to the notice of the Authority that vide application dated 26.09.2024, a petition filed for appointment of arbitrator, before the Hon'ble High Court of Punjab and Haryana in arbitration petition no. 217 of 2023 titled as ' Mapsko Builders Pvt. Ltd. And another V/s Paradise Owner Association vide order dated 06.09.2024 have appointed Mr. Justice Ramendra Jain (retd.) as arbitrator to adjudicate the claims of the respondent and the said arbitration also includes recovery and setoff IFMS by the respondent among other claims. Therefore, no further directions or orders are warranted in respect of this relief."

So far as the relief prayed for at para 2(b) is concerned, the fact of withdrawal of relief with respect to the rectification of the defects is concerned, the fact of withdrawal of the relief in the claim before the Arbitral Tribunal on 19.07.2025 has been brought to the notice of the Authority after the pronouncement and uploading of the detailed order dated 01.07.2025.

In view of the above, there appears to be no error apparent from record which can be rectified under the provisions of Section 39 of the Act, 2016.



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MA No. 609/22/2025/HC/7246/2022

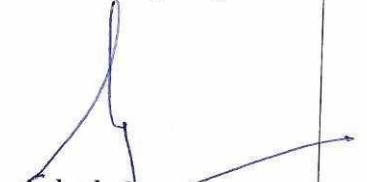
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Thus, in view of the legal position discussed above, the rectification application filed by the complainant is allowed and the rectification filed by the applicant-respondent in MA No. 652-2025 is declined.

Rectification applications stand disposed of. File be consigned to registry.


R.S. Saini
Member


Ashok Sangwan
Member
14.10.2025